THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16016 of 1996

Dated:29.12.2006

Between
N.Ganapathi Rao

.....Petitioner

and

1. The chairman, LIC of India,
Yogakshema, Jeeven Bhima Marg,
Central Office, Bombay-21
And others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

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ORDER:

Pursuant to the order dated 30.9.1994 of the District Collector, Srikakulam canceling the caste certificate issued to the petitioner on 30.9. 1994, the services of the petitioner were terminated *vide* order dated 5.10.1994. The cancellation of caste certificate was subject matter before this Court in WP No.20375 of 1994 and the same was allowed and the matter was remanded for reconsideration on 16.2.1999. Thereafter, a farce of enquiry was conducted and the caste certificate of the petitioner was again cancelled by an order dated 29.11.1999 which was confirmed by the Government vide G.O.Ms.No.103, which is the subject matter of WP No.7028 of 2001. Now, in view of allowing of the Writ Petition No.7028 of 2001, the petitioner states that he is entitled for being reinstated into service subject to result of fresh

enquiry to be conducted by the Revenue Authorities.

Learned counsel for the petitioner strenuously contended that the petitioner is out of employment for the last 10 years for no fault of him and at any point of time, the enquiry was not properly conducted. In fact, even after the writ petition No.20375 of 1994 was allowed on 16.2.1999, the respondents have not taken any care to follow the principles of natural justice and they have violated the same and passed the impugned order. Therefore, the petitioner is entitled for reinstatement with continuity of service along with other benefits.

Per contra, learned counsel for the respondents strenuously contended that the petitioner is already out of employment for more than 10 years and there is no necessity to reinstate him into service, at this stage, and if the caste certificate issued in favour of the petitioner is upheld, he is always entitled for all the benefits , as per law. He further contended that permitting the petitioner to join the services would cause prejudice

to the interest of the organization.

I am afraid, I cannot accept the arguments advanced by the learned counsel for the respondents that the interest of the organization will be prejudiced if the petitioner is permitted to join duty. His joining duty and his continuation will be subject to further enquiry to be conducted by the revenue authorities as to caste certificate and not otherwise. Therefore, I consider it appropriate to hold that the petitioner shall not be kept out of service in the guise of conducting the enquiry by the revenue department for a long time.

Therefore, the writ petition is allowed and the impugned order passed by the respondents is set aside. The respondents are directed to reinstate the petitioner into service forthwith. However, the backwages and continuity of service shall be considered only after the full enquiry conducted in the matter by the revenue authorities relating to the caste certificate of the petitioner.

Writ petition is allowed accordingly. No costs.

29-12-1006

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